

CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
APRIL 28, 2016
8:00 A.M.

The Cass County Joint Water Resource District met on April 28, 2016, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug and Dan Jacobson, Southeast Cass Water Resource District; Rodger Olson, Maple River Water Resource District; Ken Loughheed, North Cass Water Resource District; Jacob Gust, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Michelle Anderson, Administrative Assistant; Sean M. Fredricks, Chris McShane and Lukas Andrud; Attorneys for the Board; Lyndon Pease and Mike Opat, Engineers for the Board; Eric Dodds, Tanaya Reitz and Joe Herbst, Advanced Engineering and Environmental Services, Inc. (AE2S); Keith Berndt, Cass County Administrator; Stan Wolf, Cass County Weed Control, and Nathan Boerboom, Division Engineer – Storm Sewer Utilities City of Fargo.

Minutes

It was moved by Manager Gust, seconded by Manager Loughheed and unanimously carried to approve the minutes of the April 14, 2016, meetings (three sets).

Agenda

It was moved by Manager Jacobson, seconded by Manager Olson and unanimously carried to approve the order of the agenda.

Metro Flood Diversion Project – access update

Chris McShane and Lyndon Pease updated the Board on access issues. *Right of Entry Agreements* are needed on approximately 25 properties at the north end of the diversion channel. Mr. McShane made the recommendation to proceed with a *Resolution of Necessity* to obtain access for surveys.

It was moved by Manager Olson and seconded by Manager Gust to approve the *Resolution of Necessity* regarding access for the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously. A copy of the Resolution is attached hereto.

Mr. McShane updated the Board on the appeal filed by Jonathon Garaas.

Metro Flood Diversion Project – relocation benefits

It was moved by Manager Jacobson and seconded by Manager Loughheed to approve the Relocation Payment, as outlined in the letter dated April 26, 2016, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project / In Town Levees Project – land acquisition

Lukas Andrud, Eric Dodds and Tanaya Reitz updated the Board on property acquisition for the In Town Levees Project.

Discussion was held on the negotiation and acquisition process to acquire property for the Metro Flood Diversion Project. Manager Olson and Manager Gust stressed the importance for consultants to be diligent, consistent and provide proper justification and documentation when negotiating with property owners for acquisition of property regarding the Metro Flood Diversion Project.

Mr. Dodds provided the Board with the *Inlet Land Acquisition Schedule*. He stated the Corps of Engineers is planning to open bids for the diversion inlet structure by the middle of July and Dorsey and Whitney, LLP will provide an update on the construction timeline to United States District Judge John R. Tunheim. Sean Fredricks and Chris McShane outlined the filing process and timeline to obtain permanent right of way. Land firm consultants will be at the next meeting to provide the Board with an update. Keith Berndt agreed it is important the project stay on schedule and consultants continue to meet deadlines.

Discussion was held on the response to the State Water Commission regarding land acquisition and flowage easements relating to the staging area and the permit application submitted for the dam regarding the Metro Flood Diversion Project.

Tanaya Reitz introduced Joe Herbst, recently hired by AE2S to work with the land acquisition management team.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – property management

Mr. Dodds provided the Board with a brief update on demolition for the Oxbow-Hickson-Bakke Ring Levee Project.

Metro Flood Diversion Project – project updates

Manager Olson asked Mr. Dodds to clarify the role of AE2S as sub-consultant in relation to CH2M HILL Engineers Inc. Mr. Dodds stated AE2S and CH2M HILL Engineers Inc. coordinate efforts to work as the management consultant for the Metro Flood Diversion Project and are responsible for land acquisition, construction and program management. Manager Olson expressed concern for the potential lack of oversight for work completed by AE2S and potential conflict when performing field work as a

management consultant. Mr. Dodds explained due to the magnitude of the project with multiple contractors and designers, based on conversations with the design team, the decision was made for one engineering firm to complete the boundary and cadastral surveys. AE2S feels qualified to incorporate and coordinate the large volume of information needed to perform the survey work. Manager Olson said a decision will need to be made by the Water Resource District when the next Task Order is reviewed.

Lyndon Pease explained CH2M HILL Engineers, Inc. directs the design team and sets the schedule for design services based on information they receive from the Corps of Engineers.

Nathan Boerboom stated the City of Fargo is looking at efficiency through the next round of tasks and will streamline work to cut costs whenever reasonable regarding the Metro Flood Diversion Project.

Metro Flood Diversion Project – Joint Powers Agreement

Mr. Fredricks provided the Board with a brief update on the most recent changes and modifications to the *Joint Powers Agreement*. The agreement will be presented at the next meeting for approval.

Maple River Dam – operation and maintenance / weed control grant

Stan Wolf updated the Board on potential funding available through the North Dakota Department of Agriculture to Cass County Weed Control for weed control in the Maple River Dam pool area. Mr. Wolf will submit the grant application and upon approval will coordinate the spraying with Brady Woodard. Mr. Woodard will also contact the property owners to inform them of plans to spray in the area.

Private landowners in the area can apply for cost-share directly to Cass County Weed Control.

Discussion was held on weed control for the legal drains within the City of Fargo.

Lake Bertha Flood Control Project No. 75

Mike Opat reviewed funding and preliminary assessment calculations regarding Lake Bertha Flood Control Project No. 75. Cass County recently agreed to participate in cost-share for the project. Voting on the assessment district will take place in July.

Bills

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve the payment of Checks #12653 through #12657, Checks #12674 through #12680, and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Olson, Jacobson, Lougheed and Gust. The Chairman declared the motion passed.

State Water Commission – informational meetings

Todd Sando, State Engineer and Chief Engineer-Secretary of the State Water Commission, announced he will be retiring in June 2016. His retirement celebration will be held on June 22, 2016, from 2:00-4:00 p.m. at the North Dakota Heritage Center in Bismarck, North Dakota.

The State Water Commission will hold informational meetings on July 12, 2016, in Fargo and Grand Forks, North Dakota.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Lougheed, seconded by Manager Gust and unanimously carried to adjourn the meeting.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer